



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LIPP, Eberhard

SERIAL NO.: 09/858,137

ART UNIT: 1723

FILED: May 15, 2001

EXAMINER: Cooley, C.E.

TITLE: MIXING AND REDUCING MACHINE WITH AN UPWARD CONVEYING MIXING
BLADE

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

Supplemental AMENDMENT "B"

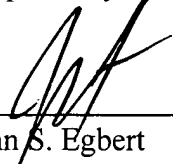
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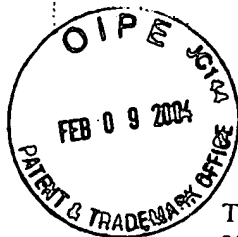
on FEB 04 2004

FEB 04 2004
Date

Respectfully submitted,



John S. Egbert
Reg. No. 30,627
Attorney for Applicant
Harrison & Egbert
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 Fax



Notice of Non-Compliant Amendment (37 CFR 1.121)

Paper No.

The amendment document filed on 12/24/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Mayme Wagstaff
Legal Instruments Examiner (LIE)

(571) 272-1057
Telephone No.



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Sir:

In response to the Final Action of July 11, 2003, and in response to an advisory communication of a non-compliant amendment on January 28, 2004, having a response being due on February 28, 2004, please amend the above-identified application as follows:

Supplemental Amendment B: SPECIFICATION AMENDMENTS

On page 2 of the substitute specification, third paragraph, please revise the paragraph as follows:

In the previously known mixing machines with only one rotating axle, only one mixing spiral is customarily present, and it is continuous. This makes it so that the mixed good product is conveyed continuously upwards in the area of the mixing spiral that is radially to the outside relative to the rotating axle, and then – customarily in the area of the centrally arranged rotating axle – drops to the bottom again because of the force of gravity. This does not lead, in the end, to a fast and intensive mixing.

On pages 2-3, last paragraph starting on Page 2, please revise the paragraph as follows:

In the embodiment form now proposed according to the invention with two mixing spirals that are connected one after the other in the axial direction and are separated by a transition zone, it is